

# UNOFFICIAL REVISED ALCOHOL CODE – May 31, 2017

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## Chapter 6 - ALCOHOLIC BEVERAGES<sup>[1]</sup>

### Footnotes:

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**Editor's note**— Ord. No. O-180-2005, § 2, adopted July 26, 2005, amended Ch. 6, §§ 6-1—6-200, in its entirety and supplied provisions for a new Ch. 6, §§6-1—6-224, to read as set out herein. Former Ch. 6, §§ 6-1—6-200 pertained to similar subject matter. For a complete history of former Ch. 6, §§ 6-1—6-200 see the Code Comparative Table.

**Cross reference**— Businesses, ch. 18; possession of dangerous weapons in alcoholic beverage establishments, § 62-74.1.

**State Law reference**— Alcoholic beverages, R.S. 26:1 et seq.; local regulation of alcoholic beverages, R.S. 26:493 et seq.

## ARTICLE I. - IN GENERAL

### Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, whether they appear in lower case letters, italics or capital letters, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcoholic beverage* means any fluid or any solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one percent alcohol by volume, including, but not limited to, the following:

- (1) Beer, ale, porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description, brewed or produced from malt, wholly or in part, or from any substitute therefore.
- (2) Fruit juices, cider and wine.
- (3) Distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

*Bar, saloon or tavern* means an establishment holding a permit, license, or certificate issued pursuant to the provisions of La. R.S. 26:, 71.1(1), 271(A)(2)(a), 271.1, 271.2 and 271.2(1); where said establishment is operated primarily for the sale of alcoholic beverages over a counter and where said alcoholic beverages are sold to be consumed on the premises.

*Beverages of high alcoholic content* means alcoholic beverages containing more than six percent alcohol by volume.

*Beverages of low alcoholic content* means alcoholic beverages containing not more than six percent alcohol by volume, but more than one-half of one percent of alcohol by volume.

*Bona fide hotel* means and includes any establishment engaged in the business of furnishing sleeping rooms, cottages, or cabins to transient guest, where such establishment consists of twenty or more sleeping rooms, cottages, or cabins at a single business location.

*Bona fide nonprofit organization* means any organization that is recognized as a nonprofit organization by the Internal Revenue Service.

*Building* means any structure or edifice enclosing any space within the outer walls of such structure or edifice, including any portion or part thereof under the same roof and/or a common roof.

*Certificate of Qualification* (commonly known as "Bar Card") shall mean an official document issued by the Lafayette City Parish Consolidated Government's Office of Alcohol and Noise Control authorizing an individual to sell, dispense or serve alcoholic beverages in a permitted establishment for on- premises or off-premises consumption reflecting the correct name and address of the certificate holder.

*Certificate holder* shall mean a person to whom a permit is issued.

*Close* means to cease operation of business and to deny public access into premises. No alcoholic beverage may be consumed by any person other than the owner.

*Conviction* means the final judgment by any court on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere for any violation of this chapter against any person, establishment, place of business, permittee, dealer, manufacturer, outlet, package house, store owner or employee, or anyone affiliated with the foregoing.

*Council* means the Lafayette City-Parish Consolidated Council.

*Dealer* means:

- (1) Every person who manufactures any alcoholic beverages within the state for storage, distribution, sale, use or consumption in the state.
- (2) Every person who imports any alcoholic beverages from any state or foreign country for distribution, storage, sale, use or consumption in the state.
- (3) Every person who sells, offers for sale, or has in possession for sale, use, storage, distribution or consumption any alcoholic beverages permitted under this chapter.

*Director* means the Chief Administrative Officer of Lafayette City-Parish Consolidated Government or designee.

*Establishment* means any business, trade, calling, profession or vocation and/or any place where any commodities are exchanged, bought, and/or sold, where the distribution, sale and/or consumption of alcoholic beverages on the premises is a normal incident of the ordinary operation of the business.

*Handle* means to sell, use, distribute, store, consume or hold for consumption by others.

*Law enforcement official* means:

- (1) With reference to premises located in the city, the chief of police or his designee.
- (2) With reference to premises located in unincorporated areas of the parish, the sheriff or his designee.

*Manufacturer* means any person who directly or indirectly, personally, or through any agency whatsoever, engages in the making, blending, rectifying or any processing whatsoever of alcoholic beverages.

*Minor* means all persons under the age of 18 years.

*Nude condition* means the simulated or actual display or exposure, with less than a full opaque covering, of any portion of a person's genitals, pubic area, buttocks or that portion of the female breast lower than the upper edge of the areola.

*Nude, seminude or topless dancer* means a person of either gender hired or in any way compensated, whether by salary, commission or gratuities from customers, to dance, gyrate, twist or otherwise engage in any other physical performance in a nude condition in or on the premises of any establishment required to possess an alcoholic beverage permit.

*Open alcoholic beverage container* means any glass, bottle, can, cup, vessel, paper cup, plastic cup, go-cup or other receptacle that contains any amount of alcoholic beverage and to which either of the following is applicable:

- (1) It is open, its lid has been removed, a straw protrudes therefrom or it has a broken seal.
- (2) Its contents have been partially removed.

Open alcoholic beverage container shall not mean any glass, bottle, can, cup, vessel, paper cup, plastic cup, go-cup or other receptacle or container that contains an alcoholic beverage in a frozen, slushy or icy state of composition when purchased from a person physically within a motor vehicle through a drive thru window and which container does not otherwise violate numbers (1) or (2) of the definition contained herein.

*Outlet* means any place where any person draws or removes any alcoholic beverage from its container for consumption on the premises.

*Package house* means a place from which a person sells alcoholic beverages in closed containers, prepared for transportation and consumption off of the premises.

*Permit* means an official document issued by the Lafayette City- Parish Consolidated Government's Office of Alcohol and Noise Control authorizing the sale and or distribution of alcohol beverages.

*Permittee* means a person to whom a permit is issued.

*Person* means a natural person or a partnership, limited liability company, corporation, firm or other legal entity.

*Place of business* means a physical location, including a street name and municipal number, of any establishment applying for or operating under any permit required by this chapter.

*Premises* means the address for which the permit is issued, whether owned, rented, or leased by the permittee all buildings and structures thereon, and all land and property appurtenant, including parking lots, but excluding any publicly owned streets or sidewalks.

*Public possession* means the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including any establishment and/or club which is de facto open to the public.

*Restaurant* means, for purposes of this chapter, except where otherwise stated, an establishment:

- (a) Which operates a place of business whose average monthly revenue from food and nonalcoholic beverages exceeds fifty percent of its total average monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages.
- (b) Which serves food on all days of operation.
- (c) Which maintains separate sales figures for alcoholic beverages.
- (d) Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises.

*Retail dealer* means a person who offers for sale, exposes for sale, has in his possession for sale or distribution, or sells alcoholic beverages in any quantity to persons other than licensed wholesale or retail dealers.

*Underage Person* means any person under the age of 21 years.

*Wholesale dealer* means those persons who sell alcoholic beverages to licensed wholesale dealers or licensed retail dealers exclusively, within the state or to any person for delivery beyond the borders of

the state to a licensed dealer in that state, and who conduct a bona fide wholesale business and maintain a warehouse for the storage and warehousing of alcoholic beverages of high and/or low alcoholic content in the area where domiciled and licensed by the state, and conduct and maintain systematic and regular solicitations, distribution, deliveries and sales of such beverages to licensed retail dealers located within the boundary of each parish, municipality or geographic area, as contractually defined between the wholesaler and his supplier, in which the wholesale dealer makes any sale or delivery.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-201-2010, §§ 2, 3, 9-21-10; Ord. No. O-91-2017, § 2, 05-16-17)

#### Sec. 6-2. - Territorial applicability.

Except as otherwise provided in this chapter, the provisions of this chapter apply in both the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 3, 05-16-17)

#### Sec. 6-3. - Penalties.

- (a) Each and every violation of any of the provisions of this chapter shall be punishable as provided by section 1-9 and/or as provided by this chapter.
- (b) Any violation of this chapter or the provisions of Title 26 of the Louisiana Revised Statutes, known as "The Alcoholic Beverage Control Law", shall subject all permits issued under this chapter to revocation, suspension, fines, and/or the withholding of an Alcoholic Beverage Permit in accordance with the applicable provisions of this chapter.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 4, 05-16-17)

#### Sec. 6-4. Suspension, revocation or imposition of fine in the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

- (a) *Application.* The provisions of this section shall apply in the City of Lafayette and the unincorporated areas of the Parish of Lafayette.
- (b) *Beverages of high alcoholic content.* The Director shall have the right to impose a fine, suspend and/or revoke any permit issued pursuant to this chapter for beverages of high alcoholic content for causes set forth in La. R.S. 26:1, et seq., or for violation of any of the provisions of this chapter, or for violation of any ordinance authorized by La. R.S. 26:493.
- (c) *Beverages of low alcoholic content.* The Director shall have the right to impose a fine, suspend and/or revoke any permit issued pursuant to this chapter for beverages of low alcoholic content for causes set forth in La. R.S. 26:1, et seq., or for violation of any of the provisions of this chapter, or for violation of any ordinance authorized by La. R.S. 26:493.
- (d) *Failure to comply with contract or service agreement with the Lafayette City-Parish Consolidated Government and/or failure to pay any outstanding amounts owed Lafayette City-Parish Consolidated Government.* Alcoholic Beverage Permits are subject to fines, suspension, revocation or denial under this chapter by the Director for a Permittee's or applicant's failure to comply with a contract or service agreement with any department and/or division within the Lafayette City-Parish Consolidated Government, or the Permittee's or applicant's failure to pay any outstanding fees, fines, assessments, charges, penalties, taxes, levies or any other outstanding amounts whatsoever owed to any department and/or division within Lafayette City-Parish Consolidated Government.

- (e) *Informal hearing before Director.* Before a fine is imposed or any permit is suspended or revoked pursuant to this section, the Permittee shall be entitled to an informal hearing before the Director, as provided herein. With the written approval of the Director, Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control shall issue a written notice of violation to a Permittee who has violated any of the provisions of this chapter. The written notice of violation issued by Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control shall include the following:

1. The time and place of the informal hearing;
2. The provision(s) of the Code that was(were) violated; and
3. A summary of the causes for which the violation(s) was (were) issued.

Within 60 days of a Permittee's receipt of a notice of violation by Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control, the Director shall conduct an informal hearing. After an informal hearing by the Director is conducted, the Director shall render a written decision.

- a. Notice of the Director's written decision shall be provided to the Permittee.
- b. The written decision of the Director shall be final after the expiration of the appeal delays established in this section.

- (f) *Appeal to council.* Within 21 calendar days after the date of the notice of the decision of the Director, the permittee shall have the right to appeal the decision of the Director to the Council. The appeal shall be exercised by the submission of a written request for appeal to the Clerk of the Council. The Council shall not consider any appeal which is untimely filed or for which a written request for appeal is not submitted to the Clerk of the Council.
- (g) *Notice of hearing of appeal before council.* A notice shall be sent to the Permittee or his designee stating the time and place of the hearing of appeal before the Council. This notice shall be sent at least ten calendar days prior to the Council's hearing date.
- (h) *Action by council.* The exclusive purpose of the appeal established herein is for the Council to determine whether the Director acted reasonably and in good faith under the provisions of this chapter in assessing fines, suspensions or revocation of a permit. The Council shall vote only to either uphold the decision of the Director, overturn the decision of the Director or remand the matter back to the Director, with reasons for said remand. The Council shall not alter the length of time of the suspension or revocation and/or the amount of any fine imposed by the Director. On remand, the Director may re-affirm, modify, revise or reverse his decision which has been returned to him by the Council for reconsideration. A remanded matter shall be treated as an extension of the original informal hearing and shall be noticed for rehearing by the Director in accordance with the provisions of subsection (e) 1. herein.
- (i) *Appeal to District Court.* Within 21 calendar days from the date of the written notice by the Clerk of the Council reflecting the Council's decision on an appeal, any party aggrieved may take an appeal to the 15th Judicial District Court unless the Council remands the matter back to the Director for reconsideration. Concurrent with the filing of an appeal to the 15th Judicial District Court, the aggrieved party shall provide notice of such filing to the other party. The written notice reflecting the Council's decision shall be provided to the Permittee or his designee. Such appeals shall be filed in the District Court in the same manner as original suits are instituted therein. The appeals to District Court shall be tried de novo.
- (j) *Appeal to Appellate Court.* Any appeal from a Judgment of the 15th Judicial District Court to the Third Circuit Court of Appeals shall be perfected in the same manner as provided for in civil cases.

- (k) *Criminal conviction by court not required; standard of proof.* Any civil violation of a provision of this chapter does not constitute a criminal violation or a criminal conviction, and such a conviction shall not be a condition precedent to the suspension or revocation of a permit or the issuance of a fine. Notwithstanding the foregoing, a criminal conviction by a court related to any provision of this chapter may be used as evidence to show that the related civil violation of this chapter has occurred. The standard of proof of any civil violation of a provision of this chapter need only be shown by a preponderance of the evidence.
- (l) *Method and delivery of Notice.* For purposes of this section, notice required herein shall be provided to the Permittee or his designee by either of the following methods:
  - a. Hand delivery, with acknowledgement of receipt; or
  - b. By registered or certified mail, return, receipt requested. Notice to the Permittee utilizing this method shall be addressed to the designated physical address provided by the Permittee in his permit. When so addressed and mailed, any such notice shall be presumed to have been received by the Permittee.
- (m) No fines shall be collected, and no permit shall be suspended or revoked until after the decision of the Director has become final.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 5, 05-16-17)

Sec. 6-5. Additional penalties for violations in the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

In addition to any penalties imposed as set forth in section 1-9, the following penalties shall be imposed for each and every violation of any of the provisions of this chapter, unless otherwise provided in a particular section or subsection herein, within the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

- (1) On the first violation of any provision of this chapter, documented in a subsequent written notice of violation issued to a Permittee by Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control, any permit issued pursuant to this chapter may be suspended by the Director up to three days, and/or a fine not to exceed \$500.00 may be assessed, or both.
- (2) On the second violation which occurs within any given 12-month period, documented in a subsequent written notice of violation issued to a Permittee by Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control, any permit issued pursuant to this chapter may be suspended by the Director for up to seven days, and/or a fine not to exceed \$1,000.00 may be assessed, or both.
- (3) On the third violation which occurs within any given 12-month period, documented in a subsequent written notice of violation issued to a Permittee by Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control, any permit issued pursuant to this chapter shall be suspended by the Director for a period not less than one day nor more than 15 days. In addition to the suspension, a fine not to exceed \$2,500.00 may be assessed.
- (4) On the fourth violation which occurs within any given 12-month period, documented in a subsequent written notice of violation issued to a Permittee by Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control, any permit issued pursuant to this chapter may be revoked by the Director. If not revoked, any permit shall be suspended by the Director for a period of not less than seven days nor more than 21 days. In addition to the revocation or suspension, a fine not to exceed \$5,000.00 may be assessed.

- (5) On the fifth violation which occurs within any given 12-month period, documented in a subsequent written notice of violation issued to a Permittee by Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control, any permit issued pursuant to this chapter may be revoked by the Director. If not revoked, any permit shall be suspended for a period of not less than 14 days nor more than 30 days. In addition to the revocation or suspension, a fine not to exceed \$7,500.00 may be assessed.
- (6) On the sixth violation which occurs within any given 12-month period, documented in a subsequent written notice of violation issued to a Permittee by Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control, any permit issued pursuant to this chapter shall be revoked by the Director.
- (7) Any fine imposed under this chapter shall be paid within ten (10) calendar days from the date that the Director's decision has become final. If the fine is not paid within this time period, said permit shall be suspended until the fine is paid in full. The suspension or revocation of any permit imposed under this chapter shall not become effective until after the decision of the Director becomes final.
- (8) Once any permit is revoked pursuant to this section, a new permit shall not be issued to the same person directly or indirectly pursuant to the provisions of this chapter for a period of not less than one year from the date of revocation.
- (9) In addition to any penalties imposed as set forth in this section, a penalty shall be assessed against any Permittee that operates without renewing the permits required by this chapter as provided in section 6-40.
- (10) Notwithstanding any provisions to the contrary contained herein, in determining cases involving the imposition of a fine, suspension or revocation of permits, if the Director finds that the violation is of a minor nature, or that there are extenuating circumstances, or that there are reasonable grounds to expect that the Permittee will not again violate any of the provisions of this chapter, the Director may suspend the permit for such time he thinks proper or impose a fine for such amount that he thinks proper. If the Permittee has previously been fined or had a permit suspended or revoked, or if the violation, regardless of whether it be the Permittee's first violation or otherwise, is flagrant, repetitive, frequent or serious, the Director may impose a fine and/or suspension commensurate to the seriousness of the violation or may revoke the permit or permits and shall immediately notify the state and local authorities of this action. When a person holds more than one permit under this chapter, and any one of them is suspended or revoked, the Director may suspend or revoke all of his permits.
- (11) "Days" for purposes of this section relative to the imposition of a suspension of an Alcoholic Beverage Permit, refers to the days of operation of the Permittee, unless otherwise stated.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 6, 05-16-17)

Sec. 6-6. – Reserved

Editor's Note –Ord. No. O-91-2017, § 7, adopted 05/16/17, deleted § 6-6 in its entirety. Former § 6-6 pertained to additional penalties for violations in unincorporated areas, and derived from Ord. No. O-180-2005, § 2, adopted 7-26-05.

Sec. 6-7. - Removal of suspended or revoked permits.

The director, accompanied by a law enforcement officer, shall physically remove all permits required by this chapter from the premises of the violator and hold them for the duration of any suspension, or keep them for any revocation.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-8. Enforcement in unincorporated areas of the Parish of Lafayette.

- (a) This section applies only in the unincorporated areas of the Parish of Lafayette.
- (b) The Sheriff shall enforce all provisions of this chapter with respect to those violations that occur in the unincorporated areas of the Parish of Lafayette.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 8, 05-16-17)

Sec. 6-9. - Barrel tax.

- (a) *Imposed.* By virtue of authority granted by La. R.S. 26:492, there is hereby levied, in addition to all other excise, license or privilege taxes presently imposed, a tax on all beverages of low alcoholic content of \$1.50 per standard barrel of 31 gallons, or a like rate on any other quantity, or for the fractional parts of such barrel sold for consumption in the parish, within the meaning and intent of the provisions of La. R.S. 26:492.
- (b) *Collection.* The tax levied by this section shall be collected by any and all Louisiana wholesale dealers from their vendees purchasing for consumption in the parish on each sale, and shall be remitted by said wholesale dealers to the state collector of revenue, for each month, respectively, all in accordance with rules and regulations promulgated by the collector of revenue and as provided by La. R.S. 26:345 et seq.
- (c) *Penalties.* If a dealer in beverages of low alcoholic content fails to file a return and pay the tax due on the beverages within the time provided in La. R.S. 26:345, he shall be subject to a penalty of five percent on the amount of the tax if the period of delinquency is ten days or less, or 20 percent on the amount of the tax if the period of delinquency is greater than ten days. If an attorney is called on to assist in collection, there shall be an additional sum due equal to ten percent of both the amount of the penalties and the tax due.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-10. - Beverages in violation of state or federal law prohibited.

It shall be unlawful for any person to possess or have in his custody or under his control, directly or through an agent, or to transport or to sell any alcoholic beverage on which all taxes and charges of the state or of the United States have not been paid. The possession, transportation or sale of any such beverage which has been manufactured in violation of any state or federal law, or on which any license, tax or charges of the state or federal government have not been paid, is hereby declared to be unlawful and a violation of this chapter.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-11. Acts prohibited on the premises of an establishment;

*Acts prohibited.* The following acts occurring on the premises of an establishment constitute violations of this chapter.



a. Acts prohibited under La. R.S.26.1, et seq., also known as “The Alcoholic Beverage Control Law” or this Chapter.

b. Acts which constitute a misdemeanor or felony under Title 14 of the Louisiana Revised Statutes, also known as the “Criminal Code,” specifically those contained in the following Parts:

1. Part II, “Offenses Against the Person,”
2. Part III, “Offenses Against the Property.”

c. Acts which constitute a misdemeanor or felony under Title 14 of the Louisiana Revised Statutes, also known as the “Criminal Code,” specifically those contained in the following Parts:

1. Part V, “Offenses Affecting the Public Morals,”
2. Part VI, “Offenses Affecting the Public Generally.”

d. Acts which constitute a misdemeanor or felony under La. R.S. 40:961, et seq., also known as the “Louisiana Uniform Controlled Dangerous Substance Act.”

e. Acts prohibited under Chapter 34, “Noise Control,” Section 361, et seq. of this Code.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 9, 05-16-17)

Sec. 6-12. Sales by manufacturers or wholesale dealers to unpermitted retail dealers.

It shall be unlawful for any manufacturer or wholesale dealer to sell or offer for sale any alcoholic beverages to any retail dealer, or any other person, for the purpose of retail sales, when the retail dealer does not have the permits required by this chapter.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 10, 05-16-17)

Sec. 6-13. Sales to underage persons; purchase or public possession by underage persons; presence of underage persons in alcoholic beverages establishments.

- (a) It shall be unlawful for any person to sell or to permit the selling of any alcoholic beverage to any person under 21 years of age in violation of La. R.S. 14:93.11 and/or La. R.S. 26:90 and/or 26:286, as amended. It shall also be unlawful for any person to give, serve and/or convey, in any manner, or permit the giving, serving and/or conveyance of any alcoholic beverage to any person under 21 years of age, except as provided for by the exceptions to subsection (c) below. The conviction of any person pursuant to this subsection and/or La. R.S. 14:93.12 and/or La. R.S. 14:93.13 shall be presumptive evidence that subsection (b) below has been violated by the person under 21 years of age to whom the alcoholic beverage was sold.
- (b) It shall be unlawful for any person under 21 years of age to purchase any alcoholic beverage in violation of La. R.S. 14:93.12, as amended. In accordance with La. R.S. 14:93.13, as amended, it shall also be unlawful for any person to purchase any alcoholic beverage on behalf of any person under 21 years of age, except as provided for by law. The conviction of any person pursuant to subsection (c) below and/or La. R.S. 14:93.12 and/or La. R.S. 14:93.13 shall be presumptive evidence against the owner and/or permittee of any establishment that subsection (a) above has been violated where such purchase took place on the premises of any establishment selling, serving and/or allowing the consumption of any alcoholic beverage.
- (c) It shall be unlawful for any person under 21 years of age to be in public possession of any alcoholic beverage in violation of La. R.S. 14:93.12, as amended. It shall also be unlawful for any person required to hold an Alcoholic Beverage Permit issued pursuant to this chapter to allow and/or permit

anyone under 21 years of age to be in public possession of any alcoholic beverage in violation of this subsection and/or La. R.S. 14:93.12 while such person under the age of 21 years is in and/or on the premises of the establishment owned and/or operated by the person required to hold an Alcoholic Beverage Permit. A conviction by a court of a violation of this section shall not be a condition precedent to suspension or revocation of a permit or the issuance of a fine. The conviction of any person pursuant to this subsection and/or La. R.S. 14:93.12 and/or La. R.S. 14:93.13 shall be presumptive evidence that the owner and/or permittee of any establishment has violated subsection (a) above where such public possession took place on the premises of any establishment selling, serving and/or allowing the consumption of any alcoholic beverage. It shall not be a violation of this subsection, however, if the public possession is:

- (1) For an established religious purpose as set forth pursuant to La. R.S. 14:93.10, as amended.
  - (2) When a person who has attained at least 18 years of age, but is under 21 years of age, is accompanied by a spouse, parent or legal custodian who is at least 21 years of age or older as set forth in La. R.S. 14:93.10, as amended.
  - (3) For medical purposes when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital or medical institution as set forth in La. R.S. 14:93.10, as amended.
  - (4) In private residences as set forth in La. R.S. 14:93.10, as amended.
  - (5) The sale, handling, transport or service in dispensing of any alcoholic beverage pursuant to lawful ownership of a permitted establishment or lawful employment of any person under 21 years of age as set forth in La. R.S. 14:93.10, as amended, where such person holds a valid Certificate of Qualification as required by this chapter.
- (d) The presence of any minor in and/or on the premises of any establishment devoted primarily to the sale, serving and/or consumption of alcoholic beverages shall be unlawful. It shall also be unlawful for any person who is required to hold an alcoholic beverage permit pursuant to this chapter to allow any minor in and/or on the premises of an establishment devoted primarily to the sale, serving and/or consumption of alcoholic beverages. For purposes of this section, any permitted establishment shall be deemed to be devoted primarily to the sale, serving and/or consumption of alcoholic beverages unless it possesses a valid class R restaurant permit issued by the state pursuant to La. R.S. 26:73.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 11, 05-16-17)

Sec. 6-14. - Prohibition of removal of open alcoholic beverage containers from premises and public possession and/or consumption of alcoholic beverages in the Downtown District and the Simcoe-Surrey Street Corridor, and in the McKinley Street Area.

- (a) For purposes of this section only, the term, "Downtown District and Simcoe-Surrey Street Corridor," shall mean the geographical area described, as follows:

Beginning at the point of the northeastern right-of-way line of East Simcoe Street and the southeastern right-of-way line of 12th Street; thence southwest along said southern right-of-way line of 12th Street to the point of its intersection with the southern right-of-way of Surrey Street; thence northwest along said southern right-of-way line of Surrey Street to the point of its intersection with the southern right-of-way line of Louisiana Avenue; thence southwest along said southern right-of-way line of Louisiana Avenue to the point of its intersection with the southern right-of-way line of Johnston Street; thence southwest along said southern right-of-way line of Johnston Street to the point of its intersection with the western right-of-way line of Garfield Street; thence southeast along said western right-of-way line of Garfield Street to the point of its intersection with the southern right-of-way of Gordon Street; thence southwest along said southern right-of-way of Gordon Street to the point of its intersection with the eastern right-of-way line of East University Avenue; thence northerly along said eastern right-of-way line of East University Avenue to the point of its intersection with the northern right-of-way of Johnston Street; thence southwest along said northern right-of-way line of Johnston Street to the point of its intersection with the northerly right-of-way line of Brashear Street;

thence northwest along said northerly right-of-way line of Brashear Street to the point of its intersection with the northern right-of-way line of St. Landry Street; thence southwest along said northern right-of-way line of St. Landry Street to the point of its intersection with the centerline of West St. Mary Boulevard; thence proceeding northern on West St. Mary Boulevard with the centerline of Parkside Drive; thence north along said centerline Parkside Drive to the point of its intersection with the centerline of Iris Lane; thence northwest along said centerline of Iris Lane to the point of its intersection with the centerline of Souvenir Gate, thence southwest along said centerline of Souvenir Gate to the point of its intersection with the centerline of Jasmine Street; thence northwest along said centerline of Jasmine Street to the point of its intersection with the northern right-of-way of West Congress Street; thence east along said northern right-of-way line of West Congress Street to the point of its intersection with the western high bank of St. John Coulee; thence north along said western high bank of St. John Coulee to the point of its intersection with the northern right-of-way line of West Simcoe Street to the point of its intersection with the northern right-of-way line of East Simcoe Street; thence easterly along the northern right-of-way line of East Simcoe Street to the point of intersection with the southeastern right-of-way line of 12th Street to the point of beginning.

(b) "McKinley Street Area" shall mean the geographical area in the City of Lafayette described as being bounded by Jefferson Street, Lamar Street, General Mouton Avenue and Roosevelt Street, inclusive of Cleveland Street and McKinley Street within such described area.

(c) *Removal.*

1. Other than paper, plastic or Styrofoam cups containing an alcoholic beverage, no person, whether patron, customer, Permittee or employee of Permittee, whether knowingly or unknowingly, shall remove any open alcoholic beverage container of any type and at any time from the premises of a permittee in the Downtown District and Simcoe-Surrey Street Corridor, and in the McKinley Street Area. Paper, plastic or Styrofoam cups containing an alcoholic beverage may be removed from the premises of a permittee in the Downtown District and Simcoe-Surrey Street Corridor, and in the McKinley Street Area except during the days and times of Monday-Sunday 12:00 a.m. until 6:00 a.m. Violators of this subsection shall be subject to a fine and/or imprisonment as set forth in section 1-9 of the Code.
2. Furthermore, no Permittee, or employee of Permittee, shall allow the removal of any open alcoholic beverage container of any type and at any time from the premises of a permittee in the Downtown District and Simcoe-Surrey Street Corridor, and in the McKinley Street Area, except as allowed in Sec. 6-14 (c) 1. hereinabove.

(d) *Possession.*

1. Other than paper, plastic or Styrofoam cups containing an alcoholic beverage, at no time is it lawful for any person to possess an open alcoholic beverage container of any type in the Downtown District, Simcoe-Surrey Street Corridor and in the McKinley Street Area. Violators of this subsection shall be subject to a fine and/or imprisonment as set forth in section 1-9 of the Code.
2. A person may possess a paper, plastic or Styrofoam cup containing an alcoholic beverage in the Downtown District, Simcoe-Surrey Street Corridor and in the McKinley Street Area except during the days and times of Monday-Sunday 12:00 a.m. until 6:00 a.m. Violators of this subsection shall be subject to a fine and/or imprisonment as set forth in section 1-9 of the Code.
3. All permittees of any premises located in the Downtown District and Simcoe-Surrey Street Corridor, and in the McKinley Street Area shall post a conspicuous notice inside the premises as well as by each public exit entitled "PROHIBITIONS," and stating the following: "1.

REMOVAL OF ANY OPEN ALCOHOLIC BEVERAGE CONTAINER, **EXCEPT PAPER, PLASTIC OR STYROFOAM.** 2. MON.-SUN. 12:00 A.M UNTIL 6:00 A.M.: REMOVAL OF ANY OPEN ALCOHOLIC BEVERAGE CONTAINER, **INCLUDING PAPER, PLASTIC OR STYROFOAM.**” The notice sign shall not be less than 36-point type.

- (e) No person shall engage in the public possession of any open alcoholic beverage container in the Downtown District and Simcoe-Surrey Street Corridor, and in the McKinley Street Area, except as provided herein. Violators of this subsection shall be subject to a fine and/or imprisonment as set forth in section 1-9 of the Code.
- (f) Any participant or patron who is participating in special events, as defined herein, that take place in the Downtown District and Simcoe-Surrey Street Corridor, and in the McKinley Street Area, is exempt from the provisions of this section during such event. For the purpose of this provision, special events shall mean organized community events and festivals sponsored and/or produced by governmental or non-profit organizations that are of general public interest and are open to public attendance, including, but not limited to Mardi Gras Parades, Festival International, the Downtown Alive and Artwalk series, Festivals Acadiens et Creole, and Symphony Concerts. The Lafayette City-Parish President or his designee shall be authorized to grant a special exemption from the provisions of this section for a specified event or activity not listed herein upon application of the promoter or sponsor of such event on a form prescribed by the city-parish president, provided that the promoter or sponsor shall bear any costs or expenses associated with the public dissemination of the granting of such special exemption. Exemption under this section shall begin at the start of the event and terminate at the end of the event.
- (g) Any person who holds a restaurant sidewalk café permit pursuant to chapter 78, article VII of this Code, shall be permitted to serve alcoholic beverages in an open alcoholic beverage container, provided that such alcoholic beverages may only be consumed on the premises of such permittee and may not be removed from such premises.

(Ord. No. O-240-2010, § 2, 11-2-10; Ord. No. O-109-2015, § 1, 5-19-15; Ord. No. O-91-2017, § 12, 05-16-17)

Editor’s Note –Ord. No. O-91-2017, § 12, adopted 05/16/17, deleted § 6-14 (f) and 6-14 (i) in its entirety. Former § 6-14 (f) pertained to the consumption of any alcoholic beverage sold or dispensed in the specified areas and former § 6-14 (i) pertained to types of cups excluded, and derived from Ord. No. O-180-2005, § 2, adopted 7-26-05.

Secs. 6-15—6-30. - Reserved.

## ARTICLE II. - PERMITS

Sec. 6-31. - Required; separate permit required for each place of business.

- (a) Any person who sells, offers for sale, or has in possession for sale, either directly or indirectly, either by wholesale or by retail, any alcoholic beverage shall first obtain a permit issued by the director and the State of Louisiana and pay the fee and taxes as required by this chapter.
- (b) Any person who allows on-premises consumption of any alcoholic beverage at any location open to the public, commonly known as “BYOB”, shall first obtain a permit issued by the Director and the State of Louisiana and pay the fees and taxes as required by this chapter.

- (c) Separate permits shall be required for each and every premises where such alcoholic beverages are sold, manufactured or consumed either by wholesale or retail, and the location and physical boundaries of each premises shall be particularly described in the application for the permit. No sale, manufacture, or on-premise consumption of alcoholic beverages which requires a permit under this chapter shall be permitted except within the physical boundaries described in a permit issued pursuant to this chapter.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 13, 05-16-17)

Sec. 6-32. - Displaying or advertising for sale to be considered selling.

The exposing of any such beverages as described in section 6-31 in any quantity or the advertising of such beverages for sale or distribution in any place of business shall be deemed sufficient evidence of an intention to sell such beverages, and in such cases, the director shall enforce the provisions of this chapter as if a sale is made without the permit required by this article.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-33. Classes.

- (a) *Classes for beverages of high and/or low alcoholic content.* For the sale of beverages of high and/or low alcoholic content:
  - (1) *Wholesale permit:* For those selling such beverages at wholesale.
  - (2) *Class A-Restaurant Permit:* For those selling such beverages at restaurants for on-premises consumption.
  - (3) *Class A-Bar, Saloon or Tavern Permit:* For those selling such beverages at bars, saloons or taverns for on-premises consumption.
  - (4) *Class B-Retail Permit:* For those selling such beverages at retail for off-premises consumption.
  - (5) *Exception Permit:* An Exception Permit may be issued to a business which does not fall within any of the above categories and which has obtained an Exception Permit, or a permit other than those described in this section, from the State of Louisiana, Office of Alcohol and Tobacco Control.
- (b) *Class A-Beer and Wine Permit:* A Beer and Wine Permit may be issued to a business that wishes to sell only beer and wine, which may include beer and wine products that contain an alcoholic content of more than six percent alcohol by volume, for on-premises or off-premises consumption.
- (c) *Manufacturer Permit:* For persons making, blending, rectifying or performing any processing whatsoever of alcoholic beverages.
- (d) *Caterer Permit:* For persons selling alcoholic beverages for consumption on locations that are away from the primary location. A Caterer Permit is required in addition to a Class A or Class B Alcoholic Beverage Permit.

For Class B Alcoholic Beverage Permits, Caterer Permits shall only be issued to those Permittees whose primary purpose is the sale of alcoholic beverages.
- (e) *Special Event Permit:* For persons selling alcoholic beverages for consumption during an event not lasting more than 5 consecutive days.
- (f) All Permittees shall operate within the class for which their permit was issued. Failure to do so shall be a violation of this chapter.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 14, 05-16-17)

Sec. 6-34. Application.

- (a) *Generally.* To obtain a permit under this article, a person must submit an application to the Director. The application form and annual renewal application form shall be provided by the Director. The application form and annual renewal form shall be completed in a timely manner and in accordance with guidelines drawn by the Director. An application is abandoned if more than 35 days have elapsed from the time of filing the application and the Permittee's completion of the application file.
- (b) *Remittance of fees.* All applications for permits under this article for new businesses shall be filed with the Director and shall be accompanied by a cashier's check or money order in the proper amounts. The cashier's check or money order shall be payable to the Lafayette City-Parish Consolidated Government.
- (c) *Physical address and notice.* In connection with his application, a person shall provide a physical mailing address wherein all written notice and information shall be sent to the Permittee or his designee pursuant to this chapter. If such address changes, the new address shall be immediately provided to the Director. Failure of a Permittee to receive notice under this chapter due to the Permittee's failure to timely notify the Director of a change of address shall not be a valid defense.
- (d) *Renewals.* All applications for renewal of a permit shall be filed with the Director prior to expiration of the permit and the proper remittance must accompany the applications. Failure to file a renewal application, within 60 days from the expiration of the permit, shall necessitate the filing of a new application for permit. Renewal permits may be withheld or denied on the same grounds and in the same manner as an original permit.
- (e) *Qualifications.* All applicants shall meet the qualifications and conditions as outlined in La. R.S. 26:80, La. R.S. 26:87, La. R.S. 26:280, and La. R.S. 26:284 as may be amended from time to time.
- (f) *New and renewal applications for alcoholic beverage permits for businesses located in unincorporated areas of the Parish of Lafayette.* Beginning September 1, 2017, all new applications and renewal applications for Alcoholic Beverage Permits under this chapter for businesses located in the unincorporated areas of the Parish of Lafayette shall be made with the Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control.
- (g) *Interposed persons.* No permit shall be issued to any person who is an interposed person for the owner or proprietor of a business. The Director may require a full disclosure, in writing and under oath, of the details of the operation of any person suspected of being interposed for another. As to any person suspected of being an interposed person, the Director has the authority to do the following:
  - a. Issue a new permit which inherits any prior violations of the previous Permittee(s) associated with such business; or
  - b. Deny the request for a new permit.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 15, 05-16-17)

Sec. 6-35. Fees.

There is hereby imposed and levied, fees for the purpose and privilege of selling, offering for sale, having in possession for sale, either directly or indirectly, allowing the consumption on- premises, or off- premises, at retail or wholesale, any alcoholic beverages.

- (1) *Application fee.* The fee to be paid to the Lafayette City-Parish Consolidated Government for the application for any Alcoholic Beverage Permit shall be \$250.00.
- (2) *Established.* The fees to be paid to the Lafayette City-Parish Consolidated Government for permits required by the provisions of this chapter are as follows:
  - a. For permits for beverages of high alcoholic content:
    1. Wholesale permit: \$500.00
    2. Class A-Restaurant Permit: \$500.00
    3. Class A Bar, Saloon or Tavern Permit: \$500.00
    4. Class B-Retail Permit: \$500.00
    5. Exception Permit: \$500.00
  - b. For permits for beverages of low alcoholic content:
    1. Wholesale permit: \$100.00
    2. Class A-Restaurant Permit: \$ 75.00
    3. Class A-Bar, Saloon or Tavern Permit: \$ 75.00
    4. Class B-Retail Permit: \$ 60.00
    5. Exception Permit: \$ 75.00
  - c. Class A-Beer and Wine Permit: \$500.00
  - d. Manufacturer Permit: \$500.00
  - e. Caterer Permit: \$200.00
  - f. Special Event Permit: \$125.00
- (3) *Exception:* The application and permit fees for any bona fide nonprofit organization which applies for a permit required by this chapter shall be \$50.00, total.
- (4) *Fees additional to other fees and taxes; payment and proration of fees.* The permit fees shall be in addition to any other regularly levied taxes, license fees, application or permit fees. If an application is abandoned or denied, in order to reapply for a permit, there must be a new application submitted along with a new application fee. There shall be no refund of the application fee for any application that is abandoned or denied. The required application fee shall be paid in full at the time of the submittal of the application for said permit. The required permit fee shall be paid in full prior to the issuance of a permit. The permit fee for a new Class A Alcoholic Beverage Permit issued on or after August 1 in any year shall be prorated, on a monthly basis, for the remainder of the permit year. The permit fee for all other permits, except caterer permits, issued on or after February 1 in any year shall be prorated on a monthly basis for the remainder of the calendar year.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 16, 05-16-17)

Sec. 6-36. - Location restrictions; non-conforming status.

- (a) *Territorial applicability.* This subsection applies only in the City of Lafayette.

- (1) No permit to sell, serve, and/or dispense alcoholic beverages shall be issued for any establishment located within a distance of 300 feet of any school, public library or public playgrounds except business colleges, business schools, or the University of Louisiana, at Lafayette. Such distance shall be measured as a person walks using the sidewalk from the nearest point of the property line of the public library, public playground, or applicable school, to the nearest point of the building or the part of the building to be licensed. No permit to sell alcoholic beverages shall be issued for any establishment located within a distance of 175 feet of any church or synagogue; such distances shall be measured in the same manner as is provided for schools.

- a. *Waiver of distance requirements.* The distance requirements contained in subsection 6 36(a)(1) of this Code may be waived for any establishment by resolution, with or without conditions, of the Council.

In order for an establishment to avail itself of the waiver specified in this subsection, a person must make application for a waiver of the distance requirements set forth in subsection (a)(1) herein to the council in which application it is affirmatively shown that notice of such application for waiver is or has been provided to any organization operating a church, synagogue, public library, school or public playground described in subsection (a)(1) herein.

- b. Any permit issued under this section wherein the distance requirements have been waived by a resolution of the council is not assignable or transferable in any fashion. In the event that the establishment and/or its ownership is transferred or in the event that the establishment is closed, any permit issued under this section is deemed voided and will no longer be of any force or effect. However, in the event of a dissolution of a partnership by the death of a partner, the surviving partners may operate under the partnership permit.

- (2) Any establishment which has been permitted and/or licensed to deal in alcoholic beverages prior to the existence of a school, public library, public playground, church, or synagogue within the distance prohibited by subsection (a)(1) above, shall have nonconforming use status and may maintain its permit and have new or renewal permits issued. However if any such establishment closes, as defined in section 6-1, or fails to maintain a valid permit for a period in excess of one year, said establishment shall not be entitled to the nonconforming use status and shall not be issued new or renewal permits.

- (3) The prohibitions in this subsection do not apply to any establishment which is maintained as a bona fide hotel.

- (b) *Unincorporated areas.* The following provisions apply only in unincorporated areas of the Parish of Lafayette:

- (1) *Beverages of high alcoholic content.* Except as otherwise provided by state law, no permit required by the provisions of this article for beverages of high alcoholic content shall be granted for any business located within 500 feet of a church, synagogue, public library, school or playground. The measurement of this distance shall be made as a person walks using the sidewalk from the nearest point of the property line of the church or synagogue, library, playground or school to the nearest point of the premises for which the license is sought.
- (2) *Beverages of low alcoholic content.* Except as otherwise provided by state law, no permit required by the provisions of this article for beverages of low alcoholic content shall be granted for any business located within 300 feet of a public playground or 500 feet of a building used exclusively as a church or synagogue, public library or school, except a school for business education conducted as a business college or school. In undeveloped rural areas the distance shall be measured in a straight line from the nearest point to the nearest point of the respective premises. This distance shall be measured as a person walks using the sidewalk from the



nearest point of the property line of the church or synagogue, library, playground or school to the nearest point of the premises for which the license is sought.

- (3) *Waiver of distance requirements.* The distance requirements contained in subsections 6-36(b)(1) and (2) of this Code may be waived for any establishment by resolution, with or without conditions, of the Council.

a. In order for an establishment to avail itself of the waiver specified in this subsection, a person must make application for a waiver of the distance requirements set forth in subsections (b)(1) and (2) herein to the council in which application it is affirmatively shown that notice of such application for waiver is or has been provided to any organization operating a church, synagogue, public library, school or public playground described in subsections (b)(1) and (2) herein.

b. Any permit issued under this section wherein the distance requirements have been waived by resolution of the council is not assignable or transferable in any fashion. In the event that the establishment and/or its ownership is transferred or in the event that the establishment is closed, any permit issued under this section is deemed voided and will no longer be of any force or effect. However, in the event of a dissolution of a partnership by the death of a partner, the surviving partners may operate under the partnership permit.

- (4) Any establishment which has been permitted and/or licensed to deal in alcoholic beverages prior to the existence of a school, public library, public playground, church, or synagogue within the distance prohibited by subsections (b)(1) and (2) above, shall have nonconforming use status and may maintain its permit and have new or renewal permits issued. However if any such establishment closes, as defined in section 6-1, or fails to maintain a valid permit for a period in excess of one year, said establishment shall not be entitled to the nonconforming use status and shall not be issued new or renewal permits.

- (5) The prohibitions in this subsection do not apply to any establishment which is maintained as a bona fide hotel.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-196-2007, § 1, 9-4-2007; Ord. No. O-91-2017, § 17, 05-16-17)

#### Sec. 6-37. Special Event Permits.

- (a) *Generally.* The Director shall be authorized to issue Special Event Permits for the sale of alcoholic beverages for the fees listed in section 6-35 and under the same conditions applicable under the terms of this chapter. Those conditions not applicable because of the temporary nature of the permit shall not apply.
- (b) *Duration; restrictions.* Special Event Permits for periods of up to five consecutive days in duration may be issued by the Director for circumstances and situations where an event or function lasts up to five consecutive days in duration. In no instance may a Special Event Permit be issued for more than five consecutive days in duration, nor may more than a total of 12 Special Event Permits be issued to the same person and/or organization in any one calendar year. Such Special Event Permit shall begin at the time designated by the Director and end at the time designated by the Director, at which time such shall expire. This permit, under this section, is not for the purpose of serving alcohol beyond the closing hours, as provided in this chapter.
- (c) *Application; state caterer or Special Event Permit required.* Applications for Special Event Permits shall be filed not sooner than 90 calendar days and not later than five calendar days prior to the event or function. Permits shall not be issued to any person who does not file a completed

application within the timeframe stated in this subsection. Additionally, the holder of this local Special Event Permit shall provide a copy of the caterer or Special Event Permit issued by the state Office of Alcohol and Tobacco Control not later than 24 hours prior to the event or function for which the respective permits have been issued. Failure to provide a copy of the required permits shall void the Special Event Permit issued pursuant to this section.

- (d) *Nonprofit functions.* Temporary nonprofit function permits shall be issued in accordance with this section, and upon the bona fide nonprofit organization providing a copy of the organization's tax return which indicates its nonprofit status for the previous tax year or some form of written documentation from the Internal Revenue Service which indicates its nonprofit status for the year in which the function is sought to be held.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 18, 05-16-17)

Sec. 6-38. - Issuance or denial; form.

- (a) *Approval of application.* Every application shall be approved by the director, prior to the issuance of any permit required by this article.
- (b) *State permit required.* Each applicant shall provide copies of the required state alcoholic beverage control permits to the director within 15 working days of the issuance of any permit required by this article. Failure to provide the required state alcoholic beverage control permit within 15 working days shall be cause for immediate revocation of the permit issued under this chapter without the benefit of written notice or informal hearing.
- (c) *Denial.* The director shall refuse to issue any permits for any cause provided by law. The director shall notify, in writing, the applicant of the refusal to issue a permit and the reasons for the refusal.
- (d) *Appeal to council for denial of permit.* Any applicant aggrieved by the decision of the director to deny a permit for an establishment, event, or activity shall, within ten days from the date such decision is rendered, appeal to the council by filing a written request with the clerk of the council for a review of such decision. The council shall thereafter hold a hearing thereon in accordance with section 6-4.
- (e) *Form.* The director shall issue all permits required by this article. The permit shall be on a form designed by the director. These permits are the only evidence that all fees and taxes have been paid and the proper permit issued. No receipts issued by any official in place of any permit shall be valid.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-39. Expiration.

Permits issued pursuant to the provisions of this chapter shall expire as follows, unless sooner suspended or revoked:

- (a) Class A Permits (On-Premises consumption) (including, but not limited to, Restaurants, Bars, Saloons or Taverns, and Exceptions Permits) shall expire on June 30th of each year.
- (b) Caterer Permits will expire in conjunction with the primary Class A or Class B Permit.
- (c) All other permits (including, but not limited to, Class B Retail, Wholesale and Manufacturer Permits) expire on December 31st of each year.

The above expiration dates shall take effect beginning January 1, 2018.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 19, 05-16-17)

Sec. 6-40. - Renewal of permits for beverages of high and/or low alcoholic content.

- (a) Persons holding permits for beverages of high and/or low alcoholic content under this article shall annually file application for renewal thereof for the ensuing year and pay the permit fees in accordance with this article and the rules and regulations established by the director. If a dealer fails to file the application and pay the permit fees by the date established by the director, there shall be added to the fee, in addition to other penalties, a delinquency penalty of 25 percent over and above the regular fee. If the dealer fails to make his application by the date established, the director may, without notice or hearing, suspend his right to do business.
- (b) Any dealer whose application for renewal is filed before the date established by the director may continue business until issuance of the new permit, under the previous year's permit, if it has not been suspended or revoked or the new permit withheld or denied.
- (c) Renewal permits may be withheld or denied on the same grounds and in the same manner as an original permit.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-41. - Reserved.

Sec. 6-42. - Transfer; surrender of permit upon change of ownership or termination of business.

- (a) Permits issued under this chapter are not assignable or heritable. A permit must be returned to the office of the Director or surrendered to an agent of the Director within five days of closure, when five percent (5%) or more of the ownership of the business is transferred or the business is terminated. However, in the event of the dissolution of a partnership by death, the surviving partners may operate under the partnership permit.
- (b) Receivers and trustees in bankruptcy may operate under the permit of the person succeeded.
- (c) A partnership may include a surviving spouse not separate in community and that spouse may operate under the partnership permit for the remainder of the permit term.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 20, 05-16-17)

Sec. 6-43. Change of location of business or business name.

- a. *Generally; change of location; change of business name; processing fee.* When the location or business name of a place of business is proposed to be changed, the proposal shall be received and approved by the Director before such action is taken. Any approved change of location or business name will result in the issuance of a new permit reflecting such change(s). A change which necessitates revisions to the Permittee's existing file information shall be subject to a \$150.00 processing fee.
- b. *Current Information.* Permits without the correct information or business name shall be invalid.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 21, 05-16-17)

Sec. 6-44. - Personal nature of permit; permits for firms, corporations or associations.

The holder of any permit issued pursuant to this article shall be designated as "permittee." All permits issued in accordance with the provisions of this article shall be for the personal use of the applicant; provided that a duly authorized officer or agent of a firm, corporation or association of persons

duly qualified to do business in the state and holding a permit from the state board of alcoholic beverage control may obtain a permit for the firm, corporation or association, provided he has the qualifications required for a personal or individual permit, and such application shall designate the firm, corporation or association of persons in whose name the permit is desired.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-45. – Display and signage.

- (a) *Display of permit.* The original permit issued pursuant to the provisions of this chapter, in addition to any other permit required to be displayed, shall be posted in a conspicuous place on the licensed premises, so as to be easily seen and read by the public. No other signs or notices, except those required by state or federal law, shall be required to be displayed by the permittee.
- (b) *Failure to display permit.* The failure of a permittee to publicly display his permits, as required by subsection (a) above, shall be grounds for the imposition of a fine, and/or the withholding, suspension or revocation of the permittee's permit.
- (c) (1) *Signage required for class B alcoholic beverage permit holders.* All Class B Alcoholic Beverage Permit holders shall conspicuously post a sign which shall measure at least 10"x14" with the following wording in black letters with white background at each public entrance of the establishment visible to all customers/patrons, which shall state: "STRICTLY PROHIBITED. The consumption of alcoholic beverages on these premises is prohibited by law in accordance with Lafayette City-Parish Consolidated Government Code of Ordinances Section 62-124. Law Enforcement has the authority to enforce at any time." The words, "STRICTLY PROHIBITED" on the sign shall be in 2 inch red lettering. All other words on the sign shall be in 1 inch black lettering. An example of the required signage can be obtained by the applicant of a Class B Alcoholic Beverage Permit from the Office of Alcohol and Noise Control.
- (2) *Effective date of posting signs as to existing and new establishments.* The aforementioned signage shall be posted at all existing establishments possessing a Class B Alcoholic Beverage Permit no later than December 31, 2018. On or after December 31, 2017, all new establishments shall have such signage posted prior to the issuance of any Class B Alcoholic Beverage Permit.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 22, 05-16-17)

Sec. 6-46. Lost or destroyed permits.

Any permit issued under this chapter that is either lost or destroyed by any disaster, natural or manmade, shall be reissued by the Director upon receipt of written documentation of the loss or destruction of the permit. A fee of \$25.00 shall be collected by the Director prior to the re-issuance of each permit.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 23, 05-16-17)

Sec. 6-47. Caterer permit.

- A. *Qualifications.* The Office of Alcohol and Noise Control may issue a Caterer Permit to persons who meet the qualifications and criteria of either paragraphs 1, 2 or 3 below:

1. Holders of any Class A or Class B (see subsection A(2) below) Alcoholic Beverage Permits will be allowed to sell and serve alcoholic beverages, on a temporary basis, at events not lasting more than three days in duration other than on the premises for which the holder's regular Alcoholic Beverage Permit is issued.
  - a. The holder of a Caterer Permit must use this permit in conjunction with their Class A or B Alcoholic Beverage Permit and said permit shall expire at the same time as the primary Class A or B Alcoholic Beverage Permit.
  - b. If the primary Class A or B Alcoholic Beverage Permit ceases to be valid for any cause, the Caterer Permit shall also cease to be valid.
2. Caterer Permits shall only be issued to holders of a Class B Alcoholic Beverage Permit whose primary purpose is the sale of alcoholic beverages.
3. Persons who do not otherwise qualify for a Class A or Class B Alcoholic Beverage Permit, but who operate a facility with a fully equipped kitchen where food is prepared for the purpose of catering functions, will be allowed to obtain a Caterer Permit under the following conditions:
  - a. Such person shall apply and qualify for a Class A Exception Alcoholic Beverage Permit, in addition to the Caterer Permit.
  - b. Such person shall maintain separate sales figures for alcoholic beverages.

*B. Requirements.*

1. A Caterer Permit shall be used only for an event that is a nonpublic celebration. If the event is a public celebration, a Special Event Permit must be applied for and obtained, including the remittance of applicable fees.
2. Caterer shall display the Caterer Permit on the premises of the event being catered.
3. Caterer shall only cater an event in the area in which the sale of alcoholic beverages has been authorized by local and state law.
4. Caterer shall provide the Office of Alcohol and Noise Control with written notice of the date, time and place of each catered event at least one week prior to the date of the event.
5. All alcoholic beverages at the catered event must be dispensed by the holder of a Certificate of Qualification and must comply with the provisions of the Responsible Vendor Program of La. R.S. 26:931.

*C. Limitations.*

A Caterer Permit shall not be used in lieu of a Special Event Permit.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 24, 05-16-17)

Secs. 6-48—6-70. - Reserved.

ARTICLE III. - RESTRICTIONS ON RETAILERS AND RETAIL ESTABLISHMENTS

DIVISION 1. - GENERALLY

Sec. 6-71. Designation of Managers.

- (a) *Class A Permit.* A Class A permitted establishment shall not operate without someone in attendance with managing authority over such establishment. Every Class A permitted establishment not directly supervised and managed by the Permittee shall designate a manager to exercise responsibility over the establishment. No establishment shall remain open unless the permittee or a designated manager is in attendance therein.
- (b) *Class B Permit.* A Class B permitted establishment may operate without someone with managing authority over such establishment in attendance. However, the Permittee and/or the persons designated as a manager for such establishment shall be available by telephone or in person during all hours of operation.
- (c) *Qualifications of designated manager.* Before any person is designated as a manager, he shall meet all qualifications necessary to obtain a permit to sell alcoholic beverages, except for the two-year residence requirement, and complete all applications necessary for such position within ten days of notification to the Director.
- (d) *Approval of designated manager; displayed list.* All designated managers must be approved by the Director prior to an individual assuming the responsibilities of a designated manager. A list of all owners and designated managers required by this section shall be provided by the Office of Alcohol and Noise Control to the owner of the establishment which shall be displayed in an area visible to the public along with the Alcoholic Beverage Permit. Failure to visibly display said list shall constitute a violation of this chapter.
- (e) *Notice of change in designated manager.* The Permittee shall notify, by certified mail or in person, the Director of any change in any persons designated as a manager prior to such change.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 25, 05-16-17)

Sec. 6-72. Violation of state law.

It is unlawful for any person to violate any of the provisions of La. R.S. 26:1, et seq. known as "The Alcoholic Beverage Control Law", not inconsistent herein.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 26, 05-16-17)

Sec. 6-73. - Nudity generally; nude, seminude or topless dancing.

- (a) It shall be unlawful for any person to perform as a nude, seminude or topless dancer, or to otherwise appear in a nude condition in or on the premises of an establishment where alcoholic beverages are sold or consumed.
- (b) It shall be unlawful for any person required to hold an alcoholic beverage permit pursuant to section 6-31 to allow nude, seminude or topless dancing, or otherwise allow anyone to appear in a nude condition, in or on the premises of any establishment where alcoholic beverages are sold or consumed.

(Ord. No. O-180-2005, § 2, 7-26-05)

Secs. 6-74—6-90. - Reserved.

## DIVISION 2. - DAYS AND HOURS OF SALE

Sec. 6-91. - Territorial applicability.

The provisions of this division apply both in the City of Lafayette and in the unincorporated areas of the Parish of Lafayette.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 27, 05-16-17)

Sec. 6-92. - Sales generally.

The sale of alcoholic beverages, whether of more or less than six percent of alcohol by volume, is permitted every day except as provided, restricted or prohibited in this division.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-93. - Exception when holiday falls on Sunday.

If a holiday, as defined in this section, falls on Sunday, the Sunday and Monday prohibitions established in sections 6-94 and 6-95 shall apply, except that the selling or dispensing of beverages with high and/or low alcoholic content for on-the-premises or off-the-premises consumption is only prohibited after 2:00 a.m. on the Monday immediately following the holiday. The consumption of any alcohol on the premises is prohibited after 2:30 a.m. on the Monday immediately following the holiday. No one shall remain on the premises after 2:30 a.m. on the Monday immediately following the holiday, except permit holders, paid employees and contractual service workers. For purposes of this section, the term "holiday" shall be defined as New Year's Eve (December 31) and the Fourth of July (July 4).

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-94. - Sale, consumption and closing hours at establishments licensed for on-premises consumption.

- (a) It is hereby prohibited for outlets to sell or dispense beverages with high and/or low alcoholic content for on-the-premises consumption between the hours of 2:00 a.m. and 11:00 a.m. on Sundays, between the hours of 12:00 midnight and 6:00 a.m. on Mondays, and between the hours of 2:00 a.m. and 6:00 a.m. on Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays. The consumption of any alcohol on such premises is prohibited after 12:30 a.m. on Mondays and after 2:30 a.m. on all other days of the week.
- (b) No person shall be allowed to remain on the premises after 12:30 a.m. Monday and 2:30 a.m. on all the other days of the week except permit holders, paid employees and contractual service workers. Any and all individuals must leave such premises and remain off such premises continuously. The prohibitions contained in this subsection do not apply to bowling alleys or bowling lanes.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-95. - Sale for off-premises consumption.

- (a) *Beverages of high alcoholic content.* It is prohibited for package houses to sell or dispense beverages with high alcoholic content for off-the-premises consumption between the hours of 2:00 a.m. and 11:00 a.m. on Sundays, between the hours of 12:00 midnight and 6:00 a.m. on Mondays, and between the hours of 2:00 a.m. and 6:00 a.m. on Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays.
- (b) *Beverages of low alcoholic content.* It is prohibited for package houses to sell or dispense beverages with low alcoholic content for off-the-premises consumption between the hours of 12:00 midnight and 6:00 a.m. on Mondays and between the hours of 2:00 a.m. and 6:00 a.m. on Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays and Sundays.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-96. - Re-opening hours.

Any outlet where alcoholic beverages are the principal commodities sold or handled shall be allowed to re-open to the public at 6:00 a.m. all days of the week. At no time shall any alcoholic beverage be allowed to be sold, dispensed or consumed outside of the hours prescribed in section 6-94.

(Ord. No. O-180-2005, § 2, 7-26-05)

Secs. 6-97 – 6-110. – Reserved.

Secs. 6-111 – 6-119. – Reserved.

Editor's Note –Ord. No. O-91-2017, § 28, adopted 05/16/17, deleted Division 3, § 6-111 – 6-119 in its entirety. Former Division 3, § 6-111 – 6-119 pertained to days and hours of sale in unincorporated areas, and derived from Ord. No. O-180-2005, § 2, adopted 7-26-05.

Secs. 6-120 – 6-140. – Reserved.

#### ARTICLE IV. - CERTIFICATES OF QUALIFICATION TO DISPENSE OR SERVE

##### DIVISION 1. - GENERALLY

Secs. 6-141—6-160. - Reserved.

##### DIVISION 2. - CITY OF LAFAYETTE AND UNINCORPORATED AREAS OF THE PARISH OF LAFAYETTE

Sec. 6-161. - Territorial applicability.

The provisions of this division apply both in the City of Lafayette and in the unincorporated areas of the Parish of Lafayette.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 29, 05-16-17)



Sec. 6-162. - Exemption for volunteers at special events.

A Permittee under this chapter may utilize volunteers from any social, civic, religious, fraternal, educational, professional or governmental club or organization to serve or dispense alcoholic beverages at special events or functions. These volunteers shall not be required to obtain a Certificate of Qualification to serve or dispense alcoholic beverages. However, effective June 1, 2017, there shall be at least one person holding a valid Certificate of Qualification in attendance during all times alcoholic beverages are served or dispensed.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 30, 05-16-17)

Sec. 6-163. Application for on-premises and off-premises consumption certificate.

- (a) Any person including owners and managers, who sell, dispense, or serve alcoholic beverages in a permitted establishment for on-premises consumption must file an application for a Certificate of Qualification pursuant to this division and guidelines established by the Director prior to selling, dispensing or serving an alcoholic beverage. A nonrefundable application fee of \$50.00 payable to the Lafayette City-Parish Consolidated Government shall be collected by the Director at the time of application. Permit holders shall be exempt from the \$50.00 fee. Applicants shall then appear in person at the Office of Alcohol and Noise Control, accompanied with a paid application receipt as well as an acceptable pictured ID showing documentary proof of age. At the time of appearance, the applicant shall be photographed and fingerprinted.
- (b) Any person, including owners and managers, who sells, dispenses, or serves alcoholic beverages in a permitted establishment for off- premises consumption must file an application for a Certificate of Qualification pursuant to this division and guidelines established by the Director prior to selling or serving an alcoholic beverage. A nonrefundable application fee of \$25.00 payable to the Lafayette City-Parish Consolidated Government shall be collected by the Director at the time of application. Permit holders shall be exempt from the \$25.00 fee. Applicants shall then appear in person at the Office of Alcohol and Noise Control, accompanied with a paid application receipt as well as an acceptable pictured ID showing documentary proof of age. At the time of appearance, the applicant shall be photographed.
- (c) *New and Renewal Applications for a Certificate of Qualification within the unincorporated areas of the Parish of Lafayette.* Beginning January 1, 2018, all new applications and renewal applications for Certificates of Qualification under this Chapter for employees of a permittee whose establishment is located in the unincorporated areas of the Parish of Lafayette shall be made with the Lafayette City-Parish Consolidated Government's Office of Alcohol and Noise Control.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 31, 05-16-17)

Sec. 6-164. Qualifications for on-premises consumption certificate in the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

- (a) Each applicant for a Certificate of Qualification for on-premises consumption under this division shall continually possess the following qualifications:
  - (1) Is a person of good character and reputation, and 18 years of age or older.
  - (2) Has not been convicted of a felony under the laws of the United States, this state, or another state or country within two years prior to filing said application.
  - (3) Has not been convicted in this state or in any other state, or by the United States or any other country, of soliciting for prostitution, pandering, letting premises for prostitution, contributing

to the delinquency of juveniles, or of any crime wherein controlled dangerous substances were involved within two years prior to filing said application.

- (4) Has not had a Certificate of Qualification or any license or permit of a similar type, to sell, serve or dispense alcoholic beverages, issued by any state, or political subdivision revoked within one year prior to filing said application.
- (5) All applicants, including owners and managers who are permitted under this article to sell, dispense or serve alcoholic beverages, shall attend and successfully complete a vendor/server training class conducted by the Lafayette City-Parish Consolidated Government, or one approved by the State of Louisiana prior to issuance of any new or renewal Certificate of Qualification.

- (b) Applicants that qualify for a Certificate of Qualification for on-premises consumption shall also use such certificate for the purpose of working in establishments licensed for off-premises consumption without the need of any additional Certificate of Qualification.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 32, 05-16-17)

Sec. 6-165. Qualifications for off-premises consumption certificate in the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

Each applicant for a Certificate of Qualification for off-premises consumption under this division shall continuously possess the following qualifications:

- (1) Must be 18 years of age or older.
- (2) Has not had a Certificate of Qualification or any license or permit of a similar type, to sell, serve, or dispense alcoholic beverages issued by any state or political subdivision, revoked within one year prior to filing said application.
- (3) All applicants, including owners and managers who are permitted under this article to sell, dispense or serve alcoholic beverages, shall attend and successfully complete a vendor/server training class conducted by the Lafayette City-Parish Consolidated Government, or one approved by the State of Louisiana prior to issuance of any new or renewal Certificate of Qualification.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 32, 05-16-17)

Sec. 6-166. Temporary certificate.

When applying for a Certificate of Qualification under section 6-164 or Section 6-165 of this Code, a temporary certificate may be issued under this chapter at the time of application, as follows:

- (1) A temporary certificate shall not exceed 30 days in duration from the date of issuance.
- (2) At the discretion of the Director and payment of a \$10.00 fee, a one-time extension, not to exceed 15 calendar days, of the temporary certificate may be granted within 30 days of its expiration.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 32, 05-16-17)

Sec. 6-167. Issuance or denial; submitting false information.

- (a) The Director shall issue a Certificate of Qualification to dispense or serve alcoholic beverages as required by this chapter to any person who meets the qualifications in this chapter.

- (b) Any applicant who provides false or misleading information on the application shall not be issued a Certificate of Qualification. If any Certificate of Qualification to dispense or serve is issued on the basis of false information, the Director shall cancel the certificate.
- (c) The Director shall refuse to issue a Certificate of Qualification to dispense or serve alcoholic beverages to any person who fails to meet the qualifications in this chapter. The Director shall notify that person, in writing, of the refusal and reasons for the refusal.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 32, 05-16-17)

#### Sec. 6-168. Application form.

Application forms for Certificates of Qualification required by this chapter shall be provided by the Director. Applicants shall complete the form in accordance with guidelines drawn by the Director.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 32, 05-16-17)

#### Sec. 6-169. Possession and exhibition.

The Certificate of Qualification to sell, dispense or serve alcoholic beverages required by this chapter shall be carried at all times when the certificate holder sells, serves or dispenses alcoholic beverages. The certificate shall be presented to any law enforcement official, authorized agent or Director upon request.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 32, 05-16-17)

#### Sec. 6-170. Expiration and renewal; replacement of lost or destroyed Certificate of Qualification.

- (a) A Certificate of Qualification issued under this chapter is valid for two years from the date of application. The Certificate of Qualification must be renewed prior to its expiration. A fee of \$50.00 shall be charged to cover the cost of renewal for an on- premises certificate, and a fee of \$25.00 shall be charged for an off- premises certificate.
- (b) Any Certificate of Qualification lost or destroyed by any disaster, natural or manmade, shall be reissued by the Director upon the receipt of written documentation of the lost or destroyed certificate. A fee of \$15.00 shall be charged to reissue the certificate and shall be collected by the Director prior to issuance.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 32, 05-16-17)

#### Sec. 6-171. Penalties.

Any act, or failure to act, by any person possessing a valid Certificate of Qualification to dispense, sell or serve alcoholic beverages under this chapter which is a violation of any provision of this chapter shall be punishable as provided herein. Any person possessing a Certificate of Qualification which is subject to suspension or revocation proceedings shall be entitled to the hearing procedure specified in section 6-4.

- a. *First violation.* For the first violation, the certificate may be suspended up to three days, and/or a fine not to exceed \$500.00 may be assessed, or both.
- b. *Second violation.* For the second violation, within any given 12-month period, the certificate may be revoked. If revoked, no certificate under this chapter shall be issued to the violator for a period of one

year from date of revocation. If not revoked, the certificate may be suspended for a period of not less than one day no more than three days. In addition to the revocation or suspension, a fine not to exceed \$1,000.00 may be assessed.

- c. *Third violation.* For the third violation, within any given 12-month period, the certificate shall be revoked. Once revoked, no certificate under this chapter shall be issued to the violator for a period of one year from the date of revocation. In addition to revocation, a fine not to exceed \$1500.00 may be assessed.
- d. *Prior fines paid and/or suspension period passed.* No person shall apply for or receive a Certificate of Qualification until all prior fines assessed pursuant to this chapter have been paid in full and/or any suspension or revocation period ordered pursuant to this chapter has passed.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 32, 05-16-17)

Sec. 6-172. Notification of change of employment and home address.

The holder of a Certificate of Qualification issued under this chapter shall notify the Director in writing or in person of any change of employment and/or home address within five working days of any change.

(Ord. No. O-180-2005, § 2, 7-26-05; Ord. No. O-91-2017, § 32, 05-16-17)

Secs. 6-173 – 6-190. – Reserved.

Secs. 6-191 – 6-200. – Reserved.

Editor's Note –Ord. No. O-91-2017, § 33, adopted 05/16/17, deleted Division 3 § 6-191–200 in its entirety. Former Division 3 § 6-191–200 pertained to Certificates of Qualification in unincorporated areas, and derived from Ord. No. O-180-2005, § 2, adopted 7-26-05.

Secs. 6-201 – 6-220. - Reserved.

## ARTICLE V. - EXOTIC DANCER REGISTRATION

### DIVISION 1. - GENERALLY

Sec. 6-221. - Definitions.

For purposes of this article, the following terms shall have the following definitions, to-wit:

*Certificate of qualification* shall mean a certificate issued to an exotic dancer by the director in accordance with the provisions of section 6-224 hereof.

*Exotic dancer* shall mean a male or female hired or otherwise compensated in any manner to dance, gyrate, twist or do any other physical performance on the floor, tables, stage, physical structure or other contrivance located in or on the premises of any bar, saloon or tavern. At no time shall an exotic dancer perform in a nude, seminude or topless condition or otherwise appear in a nude condition, as defined by section 6-1.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-222. - Purpose of certificate of qualification.

In order to further carry out the regulations of businesses dealing in alcoholic beverages, as authorized by Title 26 of the Louisiana Revised Statutes and under the express authority granted in La. R.S. 26:493, and in order to further protect the public health, morals, safety and peace of the citizens of the City of Lafayette and the unincorporated areas of Lafayette Parish, no owner of a bar, saloon or tavern shall employ or utilize the services of any male or female entertainers commonly known as exotic dancers unless such entertainers have been issued a certificate of qualification by the director.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-223. - Required certificate of qualification; penalties.

- (a) No person shall hire or be otherwise compensated to perform as an exotic dancer in any bar, saloon or tavern without having been certified as qualified to do so by the director and without having complied with the provisions of this section.
- (b) Each person holding a certificate of qualification shall have that certificate in the bar, saloon, or tavern or in his or her immediate possession at all times when performing as an exotic dancer and shall exhibit it upon demand of the director or any police officer.
- (c) Any person convicted of performing as an exotic dancer without having a valid certificate of qualification to do so shall be punished by a fine of not less than \$300.00 or imprisonment of not more than 15 days, or both at discretion of the judge. In addition, the director shall have the authority to suspend or revoke any certificate of qualification upon notice of any violation of this section.
- (d) In addition to penalties set for in subsection (c), any person owning or operating a bar, saloon or tavern shall be subject to suspension or revocation of his or her alcoholic beverage permit if found by the director of being in violation of hiring uncertified exotic dancers.

(Ord. No. O-180-2005, § 2, 7-26-05)

Sec. 6-224. - Application and qualifications for exotic dancer certificate of qualification.

- (a) Any person desiring to perform as an exotic dancer in a bar, saloon or tavern must file an application for a certificate of qualification pursuant to this section and guidelines prior to performing. The director shall collect a non-refundable application fee of \$15.00 payable to the Lafayette City-Parish Consolidated Government to cover the cost of issuing such certificate; and such certificate shall be valid for a period of one year unless sooner revoked and shall expire one year from the date of application.
- (b) The application for a certificate of qualification shall be in writing and the applicant shall produce a valid form of identification containing the full name and correct address of the person along with any other pertinent information requested. The applicant shall be fingerprinted and photographed at the time of application. Whoever provides false or misleading information on the application shall not be issued a certificate of qualification. If any certificate is issued based on false information, the director shall immediately revoke or cancel the certificate.
- (c) Before the director shall issue a certificate of qualification to perform as an exotic dancer, the following requirements shall be met by the applicant:
  - (1) Must be 18 years of age or older.
  - (2) Has not been convicted of any felony, drug, or prostitution charge within three years of filing said application.

- (3) Has not been convicted of performing as an exotic dancer without a valid certificate of qualification.
- (4) If a non-resident, the applicant must provide a criminal history from the applicant's state of residence.
- (d) Each holder of a valid certificate of qualification shall notify, in writing, the director of any change of residence address or any change of place of employment within 24 hours of such change. If any holder of a valid certificate of qualification shall be employed in more than one place, such holder shall so notify the director.
- (e) Any felony, drug, or prostitution conviction subsequent to issuing a certificate of qualification shall result in immediate denial or revocation of the certificate.
- (f) The director may refuse to issue a certificate of qualification to perform as an exotic dancer to any person in the interest of the public health, safety or morals.
- (g) Any person aggrieved by the decision of the director to refuse to issue, or to suspend or revoke, a certificate of qualification may take a devolutive appeal therefrom to the district court within 15 days of written notification of such decision. The director shall be made the party defendant and the decision of the director shall be presumed valid unless shown by the appellant to be arbitrary and capricious. The decision of the director shall be final unless appealed within the time, and in the manner, set forth above.

(Ord. No. O-180-2005, § 2, 7-26-05)